

FORFEITURE OF CONTRACTS TO SELL

H. P. 270

AN ACT TO AMEND, revise, and codify sections eighty-one hundred eighty-two (8182), eighty-one hundred eighty-three (8183), and eighty-one hundred eighty-four (8184) of the compiled code of Iowa, relating to the forfeiture of contracts to sell or to agree to sell an interest in real estate.

Be It Enacted by the General Assembly of the State of Iowa:

That sections eighty-one hundred eighty-two (8182), eighty-one hundred eighty-three (8183), and eighty-one hundred eighty-four (8184) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Forfeiture of real estate contracts. A contract which provided for the sale of real estate located in this state, and for the forfeiture of vendee's rights in such contract in case vendee fails, in specified ways, to comply with said contract, shall, nevertheless, not be forfeited or cancelled except as provided in this chapter.

Sec. 2. Notice. Such forfeiture and cancellation shall be initiated by the vendor or by his successor in interest, by serving or causing to be served on the vendee or his successor in interest, if known, to the vendor or his successor in interest, and on the party in possession of said real estate, a written notice which shall:

1. Reasonably identify said contract, and accurately describe the real estate covered thereby.
2. Specify the terms and conditions of said contract which have not been complied with.
3. Notify said party that said contract will stand forfeited and cancelled unless said party within thirty (30) days after the completed service of said notice performs the terms and conditions in default, and, in addition, pays the reasonable costs of serving the notice.
4. Provided, however, that if the property affected by the contract, if within a city or town, does not exceed one-half acre in extent, and otherwise does not contain in the aggregate more than forty (40) acres, has assumed a homestead character, then the vendor or his successor in interest shall notify said vendee or his successor in interest, that said contract will stand forfeited and canceled, unless said party, within ninety (90) days after the completed service of said notice, performs the terms and conditions in default, and in addition, pays the reasonable cost of serving the notice.

Sec. 3. Service. Said notice may be served personally or by publication, on the same conditions, and in the same manner as is provided for the service of original notices, except that when the notice is served by publication no affidavit therefor shall be required before publication. Service by publication shall be deemed complete on the day of the last publication.

Sec. 4. Forfeiture. The right to forfeit for breach occurring before said notice was served shall terminate if, prior to the expiration of the day for performance as specified in the notice, the party in default performs the terms and conditions as to which he is in default, and pays to the party not in default the reasonable cost of serving said notice.

Sec. 5. Proof and record of service. If the terms and conditions as to which there is default are not performed within said thirty (30) days, or ninety (90) days as the case may be, the party serving said notice or causing the same to be served, may file for record in the office of the county recorder a copy of the notice aforesaid with proofs of service attached or indorsed thereon (and, in case of service by publication, his personal affidavit that personal service could not be made within this state) and when so filed and recorded, the said record shall be constructive notice to all parties of the due forfeiture and cancellation of said contract.

Sec. 6. Scope of act. This act shall be operative in all cases where the intention of the parties, as gathered from the contract and surrounding circumstances, is to sell or to agree to sell an interest in real estate, any contract or agreement of the parties to the contrary notwithstanding.

Approved February 1, 1924.

CHAPTER 174

PARTITIONS

S. F. 271

AN ACT to amend, revise, and codify section eighty-one hundred twenty-three (8123) of the compiled code of Iowa, relating to abstracts of title in partition proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

That section eighty-one hundred twenty-three (8123) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Abstracts of title. Section eight thousand sixty-two (8062) of the compiled Code of Iowa shall be applicable to proceedings under this chapter.

Approved January 11, 1924.

CHAPTER 175

CORRUPTION IN ELECTIONS

H. F. 272

AN ACT to amend, revise, and codify section eighty-nine hundred two (8902) of the compiled code of Iowa, relating to corruption in elections.

Be It Enacted by the General Assembly of the State of Iowa:

That section eighty-nine hundred two (8902) of the compiled Code of Iowa, is amended, revised, and codified to read as follows:

Section 1. Accepting bribe - punishment. Any person who shall, in consideration of any sum of money or other valuable thing, agree to refrain from voting at any public election, or to induce or attempt to induce others to do so, or agree to perform on election day any service in the interest of any